



## MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

### WELCOME!

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire city staff, does it.

### REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet  
at 2:00 p.m. on the first and third Mondays of the month, and  
at 7:30 p.m. on the second and fourth Mondays of the month.

Copies of the agenda are available during the meeting. Additionally, the agenda as well as reference documents and proposed ordinances and resolutions are available in the City Clerk's office prior to each meeting.

To better serve everyone in the community, the chambers is wheelchair accessible, an assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office by parties at least two (2) working days in advance of the scheduled meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Ordinances and resolutions, the laws of Tucson, are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council, take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

### PARTICIPATION BY THE PUBLIC

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk. Please turn off or put in vibrate mode all communication devices (pagers/cell phones).

The Mayor and Council often schedule public hearings on topics of interest. Pursuant to Mayor and Council Rules and Regulations, public hearings last one hour. Interested persons are invited to attend and offer comments. Additionally, Call to the Audience is reserved for comments from the public.

To address the Mayor and Council:

- Complete a speakers card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding into your subject matter. Speakers are limited to five-minute presentations.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700.

**Robert E. Walkup**  
Mayor

**Shirley C. Scott**  
Vice Mayor

#### Council Members

**José J. Ibarra**  
Ward 1

**Carol W. West**  
Ward 2

**Kathleen Dunbar**  
Ward 3

**Shirley C. Scott**  
Ward 4

**Steve Leal**  
Ward 5

**Fred Ronstadt**  
Ward 6

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TTD: 791-2639, FAX: 791-4017 or WEB SITE: <http://www.ci.tucson.az.us/clerks>), 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday thru Friday, 8 a.m. to 5 p.m. [holidays excepted]. Live coverage of meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:

Tuesdays 9:00 p.m.  
Wednesdays 9:00 a.m.  
Sundays 9:00 a.m.

(VHS) tapes of meetings are available at the Tucson Main Library.



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

MONDAY, NOVEMBER 24, 2003 – 7:30 P.M.  
MAYOR AND COUNCIL CHAMBERS  
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. **ROLL CALL**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Pastor David Houchin, 22<sup>nd</sup> Street Baptist Church

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

PRESENTATION

- (a) Presentation to Ben Caulkins, Terry Wheeler and Gil Ramirez for their participation in the Special Olympics International World Games in Dublin, Ireland.

3. **MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager NOV24-03-606 CITY-WIDE

4. **CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager NOV24-03-607 CITY-WIDE

5. **CALL TO THE AUDIENCE:**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on tonight's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

**6. CONSENT AGENDA ITEMS A THROUGH B**

**FOR COMPLETE DESCRIPTION OF ITEMS**  
**SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

**7. LIQUOR LICENSE APPLICATIONS**

(a) Report from City Manager NOV24-03-600 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- |  |   |
|--|---|
| (1) COCOYAYA MEXICAN FOOD<br>3156 E. Ft. Lowell Road<br>Applicant: Nidia E. Jones<br>City #083-03, located in Ward 3<br>Series #12<br>Action must be taken by: December 4, 2003      | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (2) FIESTA SUPERMARKET<br>5540 E. 22 <sup>nd</sup> Street<br>Applicant: Ernesto Rascón<br>City #084-03, located in Ward 4<br>Series #10<br>Action must be taken by: December 5, 2003 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |

**PUBLIC OPINION: PROTESTS FILED**

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

**8. ZONING: (C9-03-17) VIEJO VILLA – ESCALANTE ROAD, SR TO R-1, CITY MANAGER’S REPORT**

- (a) Report from City Manager NOV24-03-602 W4
- (b) Report from Zoning Examiner dated October 24, 2003
- (c) Request to rezone approximately 15.88 acres from SR (Very Low Density Residential) to R-1 (Low Density Residential) zoning. Applicant: Don Laidlaw on behalf of the property owner, Viejo Villa, Inc.

The rezoning site is located on the southeast corner of Escalante Road and Houghton Road. The preliminary development is for 42 one-story single-family residences for a density of 2.67 units per acre.

The Zoning Examiner recommends approval of R-1 zoning. The City Manager recommends approval of R-1 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated June 27, 2003, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. The owner/developer shall dedicate, or verify the existence of, right-of-way per the *Major Streets and Routes Plan* map (including applicable intersection widening) frontages of the site. A 30-foot radius spandrel shall be dedicated at the northwest corner of the site.

The owner/developer shall dedicate, or verify the existence of the south half of a 120 foot of right-of-way on Escalante Road at the intersection with Houghton Road, and a 90 foot right-of-way for the remainder of the Escalante Road frontage, with an appropriate transition.

3. The owner/developer shall pay the cost of permanent improvements to arterial streets resulting from this development (the east half of the Houghton Road cross-section along the frontage of the site including a 100-year storm capacity reinforced concrete box culverts or pre-cast reinforced concrete pipe culverts). That cost shall be \$190,000 which shall be placed in escrow prior to issuance of the first building permit, for a period of three years. If during the three-year period a transportation impact fee is imposed by the City which includes these costs, then the developer may elect to pay the amount of the fee that would have been imposed for all dwellings constructed prior to the imposition of the fee. If the developer elects to pay the impact fee on all dwellings constructed prior to the imposition of the fee, the escrow amount and accumulated interest will be released to the developer. If this election is not taken or the three year period expires, the escrow amount and

accumulated interest shall be released to the City at the earlier of time of imposition of impact fees or the expiration of the three year period. The developer shall be responsible for all impact fees and entitled to all credits in accordance with an impact fee as adopted.

4. All new streets within the development shall be designed to accommodate parking on both sides of the street.
5. A Category I Traffic Impact Analysis shall be conducted in accordance with section 6.3 of the Access Management Guidelines.
6. A right turn deceleration lane shall be provided along Houghton Road with a minimum 100-foot stacking distance and 120-foot transition.
7. On Escalante Road, the owner/developer shall design and construct an eastbound right turn deceleration lane and appropriate transition entering the site, and a westbound right turn deceleration lane and appropriate transition at Houghton Road.
8. The owner/developer shall contribute \$25,000 in assurances towards the installation of a permanent traffic signal at the intersection of Houghton and Escalante.
9. Developer shall be responsible for adding sufficient additional paving to accommodate a five-foot bike lane along all new lane transitions on Houghton Road.
10. Pedestrian systems within the development shall be conveniently connected to adjacent pedestrian systems.
11. The residential streetscape landscaping required along residential streets shall include trees located within private residential lots adjacent to residential street rights-of-way at a maximum distance of sixteen (16) feet from back of curb, at an interval of one tree every other lot. A typical detail for street trees on residential access streets shall be provided on the tentative plat/landscape plan.
12. An eight (8) foot wide soft surface trail shall be provided within the drainage easement between lots 23 and 35 to connect the internal pedestrian paths/sidewalks to the proposed urban trail within Houghton Road, as approved by City of Tucson Parks Department and Pima County Parks Department. Bollards are to be provided to prevent vehicular access.
13. All retention/detention areas shall be designed as usable passive and active open space.
14. Passive recreational facilities shall be provided in the common area.

15. Buildings and landscaping shall be designed to be architecturally consistent with the surrounding area. Dimensioned elevation drawings with proposed colors and materials (consistent with those submitted as a part of the rezoning application) are to be submitted as a part of the development plan. Color photographs of surrounding properties are to accompany the development plan.
16. All open space, including but not limited to the thirty (30) foot scenic landscape buffer, the sixty (60) foot desert buffer, the ten (10) foot street landscape border, drainageways, natural open space (NOS), and any detention/retention areas, shall be designated as separate common areas, and recorded in the CC&R's to be cared, maintained, and insured by the homeowners association.
17. Free-standing signs shall be integrated into the overall landscape plan. Details of signs shall be submitted as a part of the development plan.
18. All structures shall be limited to a maximum height of 18 feet.
19. The owner/developer shall construct the segment of the Houghton Greenway that corresponds with the project's frontage on Houghton Road in accordance with the Divided Urban Pathway Standard. The Divided Urban Pathway Standard includes a minimum 12 foot paved path (two (2) inches of 3/8-inch minus mix asphalt over four (4) inches of ABC, path edges to be thickened), a minimum eight (8) foot meandering decomposed granite path (two (2) inches of 1/8" minus stabilized decomposed granite compacted to 95 percent), native landscaping between the paths and along both sides of the Greenway (including native trees a minimum of 20 ft on center), and a drip irrigation system.
20. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
21. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
22. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City

Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum

23. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
24. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
25. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Three (3) written approvals and one (1) written protests have been received. The written protest equates to a 27.72 percent protest by area to the east, a 7.27 percent protest by area to the south and a zero (0) percent protest by area to the north and west. The protest generally alludes to property values, congestion, and wildlife concerns.

Because the protest level exceeds 20 percent to the east, a three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**9. ZONING: (C9-98-22) MATHEWS – SWAN ROAD, R-2 TO O-1, CHANGE OF CONDITIONS — TIME EXTENSION — ORDINANCE ADOPTION**

- (a) Report from City Manager NOV24-03-608 W6
- (b) This is a request for a time extension on a previously authorized R-2 (Medium Density Residential) to O-1 (Residentially Scaled Office) rezoning, and a change of conditions to allow stormwater from the rezoning site to empty on to Swan Road. The applicant is Joseph Maher, Jr.

The rezoning site is located on the west side of Swan Road approximately 335 feet north of Pima Street. The approved development plan is for a new 2,850 square foot office building on a 0.44 acre lot.

The City Manager recommends approval of the requested time extension and change of conditions, and adoption of the ordinance presented, subject to the conditions provided in the ordinance presented.

- (c) Ordinance No. 9914 relating to zoning: amending Ordinance No. 9723 to amend zoning conditions extending the period for compliance from November 16, 2003 to March 26, 2006 for the area located on the west side of Swan Road approximately 335 feet north of Pima Street in Case C9-98-22, Mathews – Swan Road, R-2 to O-1, and declaring an emergency.

One (1) written approval and 11 written protests have been received for this case. Two of the protests lie within the 150 foot protest area resulting in a protest by area of 100 percent to the east, 19.4 percent to the south, 17.3 percent to the north, and zero percent to the west.

Because a three-fourths majority vote was required to adopt the original rezoning ordinance, a three-fourths majority vote is also required to adopt the ordinance presented.

**10. PUBLIC HEARING: ZONING: (C9-98-08) WILMOT/INTERSTATE 10 PARTNERSHIP – INTERSTATE 10 C-2/SH TO C-2, TIME EXTENSION AND CHANGE OF PRELIMINARY DEVELOPMENT PLAN (CONTINUED FROM MEETING OF SEPTEMBER 22, 2003)**

- (a) Report from City Manager NOV24-03-599 W4
- (b) Hearing on a request for a change of preliminary development plan and a five year time extension for property located southeast of the intersection of Wilmot Road and Interstate 10. The applicant is Linda Morales of the Planning Center, on behalf of Western Partners Tucson, LLC. The revised preliminary development plan is for 52,060 square feet of self storage on 3.7 acres, and 4.3 acres of RV storage in lieu of the previously approved manufactured home sales lot.

The City Manager recommends approval of the requested five-year time extension from August 3, 2003, to August 3, 2008. The City Manager also recommends approval of the proposed self-storage and RV storage uses subject to the following recommended conditions including a requirement for submittal of a new preliminary development plan showing no access to the Interstate 10 frontage road:

- \*1. A revised preliminary **development plan** in substantial compliance with the preliminary development plan dated July 30, 2003, with the exception that no access to the Interstate 10 Frontage Road is permitted, shall be submitted to the Development Services Department prior to CDRC submittal of the final development plan.

Following submittal of the revised preliminary development plan a final development plan in substantial compliance with the revised preliminary development plan and the Environmental Resource Report, is to be submitted



and approved in accordance with Section 5.3.8 and 4.1.1 of the *LUC*, including, but not limited to:

- a. At least 10 feet of landscaping at the vegetation density required for street borders in the *Land Use Code* shall be required along all exterior boundaries of the project and between the C-2 and MH-2 sections. Preserving all natural vegetation in a strip at least 25 feet wide can substitute for this density requirement. Any vegetative areas to be preserved are to be fenced during construction to prevent encroachment.
- b. There shall be no access from the C-2 portion to the Interstate 10 frontage road. Primary access to the C-2 portion shall be designed to minimize impacts on adjacent residential areas.

~~\*c. All streets shall be private.~~

2. The owner/developer shall install a center left turn lane on Wilmot Road to accommodate southbound left turns into the site; and shall install curb, sidewalk and one (1) lane of pavement along the Wilmot Road frontage of the property shall be installed or funds contributed (based on current improvement district costs) to an escrow account to cover the future improvement district costs for same, thereby satisfying the future improvement district obligations of the property.
3. The owner/developer shall work with El Paso Natural Gas (EPNG) to improve the pipeline right-of-way as a multi-use type pedestrian and bicycle trail. Those improvements shall be included on the landscape plan. If no agreement is reached with EPNG, the landscape plan shall include a ten (10)-foot-wide landscaped buffer adjacent to the EPNG easement with a treatment consistent with the remainder of the site.
4. A drainage report, including details of retention/detention, shall be submitted and approved.
5. The U.S. Fish and Wildlife Service (USFWS) guidelines regarding the Cactus Ferruginous Pygmy-Owl shall be followed.
6. An archeological survey shall be performed as recommended in the report contained in the ERR. Archaeological or cultural remains encountered during construction shall be mitigated in accordance with guidelines provided by the Arizona State Museum. Provide a note on the plat or plan and include in the CC&Rs that the Arizona State Museum shall be promptly contacted if any archeological or cultural remains are uncovered.
7. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Those screen walls visible from the

public right-of-way shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials. In addition, any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees and shrubs in the voids created by the variations.

8. "Safe by Design" concepts shall be incorporated in the development plan/subdivision plat for review by the Tucson Police Department.
9. All Utilities shall be underground and within areas to be graded for the roadways, driveways, and building pads.
10. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
11. Compliance with all Code requirements and conditions of rezoning by August 3, 2008.
12. All vegetation ordinances of the City will be complied with even if it requires a redesign of the project and wildlife corridors must be included.
13. The owner/developer shall provide a Category I Traffic Impact Analysis (TIA) as defined in the Access Management Guidelines analyzing the impact of the development on the interchange (intersection), on and off ramps, frontage roads and arterial streets.

Eighteen (18) written approvals and zero (0) written protests are on file for this case.

A simple majority vote will be required to approve the time extension and be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**11. PUBLIC HEARING: TUCSON CODE (CHAPTER 23) AMENDING THE *LAND USE CODE* RELATING TO SALVAGING AND RECYCLING (HOUSEHOLD GOODS DONATION CENTERS)**

- (a) Report from City Manager NOV24-03-601 CITY-WIDE
- (b) Hearing on a proposed amendment to the *Land Use Code (LUC)* adding provisions for household goods donation centers to that portion of the *LUC* regulating salvaging and recycling uses

- (c) Ordinance No. 9915 relating to planning and zoning; amending the Tucson Code, Chapter 23, *Land Use Code*, Article II, zones, Division 2, rural residential zones, Division 3, urban residential zones, Division 4, office zones, Division 5, commercial zones, Division 6, mixed use zones, Division 7, industrial zones, Division 8, overlay zones; Article III, development regulations, Division 3, motor vehicle and bicycle parking requirements, Division 5, performance criteria; Article VI, definitions, Division 2, listing of words and terms, Division 3, land use groups; and setting an effective date.

The City Manager recommends that the Mayor and Council adopt the ordinance as recommended by the Planning Commission.

## **12. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager NOV24-03-604 CITY-WIDE

## **13. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

## **14. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, December 1, 2003, at 10:00 a.m. and reconvene at 2:00 p.m. in the Greenlee-Graham Rooms at the Tucson Convention Center, 260 S. Church Avenue, Tucson, Arizona.